



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

ALL RIGHT, TITLE AND INTEREST
IN REAL PROPERTY LOCATED AT
23 WEST 31ST STREET,
NEW YORK, NEW YORK 10001, WITH ALL
IMPROVEMENTS, APPURTENANCES, AND
ATTACHMENTS THEREON,

Defendant-in-rem.
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STIPULATION AND
ORDER TO STAY ACTION

: 08 Civ. 3049 (SHS)

WHEREAS, on March 25, 2008, this civil forfeiture action was commenced by the filing of a verified complaint (the "Verified Complaint"), seeking the forfeiture of all right, title and interest in the defendant in rem (the "Defendant Property"), as property involved in money laundering transactions conducted in violation of 18 U.S.C. §§ 1956 and 1957, and pursuant to 21 U.S.C. § 881(a)(7), as property used, and intended to be used, to facilitate the commission of a felony narcotics violation of Title 21, United States Code, Subchapter I;

WHEREAS, on April 4, 2008, F.R.J.D. Corp. and Wenceslao Miranda ("Miranda") (together, the "Claimants") each filed a Verified Claim to the Defendant Property;

WHEREAS, Miranda has represented that F.R.J.D. Corp. is owned by him and that he has a controlling interest in this company;

WHEREAS, on April 15, 2008, the Claimants, by their attorney Arienne J. Irving, Esq., filed a Verified Answer to the Verified Complaint;

WHEREAS, in December 2007, Miranda was charged by a New York State grand jury with, among other things, money laundering in the third degree, in violation of New York Penal Law Section 470.10;

WHEREAS, as set forth below, Section 981(g) of Title 18, United States Code, provides, in relevant part, that the Court may stay a civil forfeiture proceeding upon motion of either the Government or the claimant where, as here, there is a related criminal action:

(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that-

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

WHEREAS, the Government believes that civil discovery could adversely affect the ability of the State of New York to complete its prosecution of the related criminal case against Miranda;

WHEREAS, Miranda believes that continuation of this civil forfeiture proceeding may burden his right against self-incrimination in the related criminal case;

WHEREAS, the parties agree that this civil forfeiture action should be stayed pending the outcome of the criminal case;

NOW, THEREFORE, upon the consent of the United States of America, by and through Assistant United States Attorney Anna Arreola, and claimants F.R.J.D. Corp. and Wenceslao Miranda, by and through their attorney, Arienne J. Irving, Esq.,

IT IS HEREBY STIPULATED, ORDERED AND AGREED THAT:

1. The parties consent to a stay of the above-captioned civil forfeiture action.
2. The Government shall promptly notify the Court of the conclusion of the state criminal case against Miranda.
3. Nothing in this Stipulation and Order shall limit the ability of any of the parties to move to rescind the stay at any time.

4. The above-captioned civil action is stayed pursuant to Section 981(g) of Title 18, United States Code, pending the further order of the Court. *WJL*

Date: May 28, 2008

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: *Anna E. Arreola*
ANNA E. ARREOLA
Assistant United States Attorney

F.R.J.D. CORP. and WENCESLAO MIRANDA
Claimants

By: *Arienne J. Irving*
ARIENNE J. IRVING, Esq.
Attorney for Claimants

The initial pretrial conference was scheduled for May 31, 2008, and is now assigned since the parties shall report on the status of the N.Y. State Criminal action in writing every six months commencing Dec 1, 2008. The Clerk of Court is directed to place this action on the suspension calendar.

SO ORDERED:

Dated: New York, New York
May 28, 2008

Sidney H. Stein
HONORABLE SIDNEY H. STEIN
United States District Judge
Southern District of New York